



CONNECTICUT  
**TRIAL  
LAWYERS**  
ASSOCIATION

150 Trumbull Street, 2<sup>nd</sup> Floor  
Hartford, CT 06103  
p) 860.522.4345 f) 860.522.1027  
[www.cttriallawyers.org](http://www.cttriallawyers.org)

**Raised Bill 6424**  
**Hearing Date: 3-4-11**

**TO: MEMBERS OF THE JUDICIARY COMMITTEE**  
**FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)**

**RE: OPPOSITION TO RB6424, AAC MEDICAL EXAMINATIONS IN  
PERSONAL INJURY ACTIONS**

The CTLA oppose Committee Bill 6424, An Act Concerning Medical Examinations in Personal Injury Actions. First, the bill gives the court the ability to require a party to attend an examination absent a showing of good cause of why attendance should be excused. Secondly, the bill seeks to expand the universe of persons who may conduct an examination from persons who are "physicians" to those who are "health care providers".

Connecticut General Statutes Section 52-178 in its current form protects an injured person who brings a lawsuit from being compelled to undergo a physical examination. This has been the law since 1965. Many people find medical examinations to be intrusive; particularly those which may be psychological in nature or require the examination of private parts of the body. There is a strong privacy interest in an individual's right to choose who lays hands on them.

C.G.S. Sec. 52-178 as it is currently written balances the right of a defendant to have a plaintiff examined while still protecting the plaintiff's right to object. This statute has been working in its current form since 1965. There is not a single appellate court case addressing the concerns raised by the introduction of this bill. A problem with the current system one would think would lead to at least a single appellate decision in over 40 years.

There is also no need for the second change present in this bill. Expanding the universe of those who can perform exams from a well defined treater "physician" to a much more broad term, "health care provider" can serve no purpose than to intimidate and harass a plaintiff.

**For the aforementioned reasons please oppose Committee Bill 6425, Thank You.**